

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

NORMAN CARL CLARY,

Defendant.

NO: 2:19-CR-0170-TOR

ORDER GRANTING DEFENDANT'S  
MOTION TO CONTINUE PRETRIAL  
AND TRIAL DATES

BEFORE THE COURT is Defendant's Motion to Continue Pretrial and Trial Dates. ECF No. 25. The motion was submitted for consideration without oral argument. Having reviewed the file and the records therein, the Court is fully informed.

On October 17, 2019, the grand jury returned an Indictment charging Defendant with two counts of being a Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922, 924. On November 5, 2019, Defendant appeared for arraignment via a Writ of Habeas Corpus ad Prosequendum issued on October 31, 2019 and was detained pending trial. ECF Nos. 18, 24. The following day this

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1 Court issued its Scheduling Order setting pretrial and jury trial dates for January 2  
2 and January 13, 2020, respectively. Defendant now seeks a 60-day continuance of  
3 both dates, as well as the pretrial motions filing deadline, to allow him additional  
4 time to review discovery and locate and interview potential witnesses, and  
5 otherwise prepare this matter for trial. In support of his motion, Defendant  
6 indicates the government does not oppose a continuance and he has filed a properly  
7 executed Waiver of Speedy Trial. ECF No. 26.

8 The Court finds that the Defendant requires additional time to investigate  
9 and prepare for trial, taking into account the exercise of due diligence, and that his  
10 interests would not be adequately represented without a continuance. Therefore,  
11 for good cause shown, Defendant's motion is granted.

12 Accordingly, IT IS HEREBY ORDERED:

13 1. Defendant's Motion to Continue Pretrial and Trial Dates (ECF No. 25)  
14 is **GRANTED**.

15 2. The pretrial conference currently set for January 2, 2020, is vacated and  
16 continued to **March 4, 2020, at 8:30 a.m.**, in Spokane, Washington. All pre-trial  
17 motions, including motions *in limine* and *Daubert* motions, shall be filed and  
18 served on or before **February 19, 2020**, and noted for hearing at the pre-trial  
19 conference. Any response to a pre-trial motion shall be filed and served in  
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1 accordance with Local Rule 7.1. If the Court determines an evidentiary hearing is  
2 appropriate, the Court will notify the parties of the date and time for such hearing.

3 3. The current jury trial date of January 13, 2020, is vacated and  
4 continued to **March 16, 2020, at 8:30 a.m.**, in Spokane, Washington. Counsel  
5 shall appear in court at 8:30 a.m. on the first day of trial to address any pending  
6 pretrial motions. Jury selection will begin at 9:00 a.m. Trial briefs, proposed voir  
7 dire, jury instructions, verdict forms, exhibit lists, and expert witness lists shall be  
8 filed and served by all parties on or before **seven (7) calendar days** prior to trial.

9 4. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time between December  
10 18, 2019, until March 16, 2020, is DECLARED EXCLUDABLE for purposes of  
11 computing time under the Speedy Trial Act. The Court finds that the ends of  
12 justice served by such a continuance outweigh the interests of the public and  
13 Defendant in a speedy trial.

14 5. Counsel for the defense shall notify the Defendant and ensure his  
15 attendance at every scheduled hearing and trial.

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1 IT IS SO ORDERED. The District Court Executive is directed to enter this  
2 order and provide copies to counsel, the United States Probation Office, and the  
3 United States Marshal's Service.

4 **DATED** December 30, 2019.



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*Thomas O. Rice*  
THOMAS O. RICE  
Chief United States District Judge